

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Board of Trustees of the Teamsters
Local 346 Savings & 401(k) Plan,

Case No. 23-cv-1278 (KMM/LIB)

Plaintiff,

v.

ORDER

Mahkahta Consulting & Development
Corp., d/b/a Mahkahta Trucking,

Defendant.

Based on the pending motion for default judgment and on all the files and records in this action, the Court finds as follows:

1. The Complaint in this matter was filed on May 8, 2023. (ECF 1).
2. Plaintiff Board of Trustees of the Teamsters Local 346 Savings & 401(k) Plan (“Plaintiff”) is a multiemployer employee benefit plan, as defined under the Employee Retirement Income Security Act of 1974 (“ERISA”).
3. Plaintiff alleges that Defendant Mahkahta Consulting & Development Corp., d/b/a Mahkahta Trucking (“Defendant”) is a signatory to a collective bargaining agreement that requires Defendant to make contributions to Plaintiff on behalf of individuals covered by that agreement. ECF 1.
4. Plaintiff alleges that Defendant definitely owes delinquent contributions in the amount of \$3,050.45. *Id.* Plaintiff maintains that it is unable to determine the full

extent of Defendant's additional delinquency without access to Defendant's business records. *Id.*

5. The Summons and Complaint were served upon Defendant on May 12, 2023. ECF 5.

6. Defendant Mahkahta did not file an Answer or otherwise respond to the Summons and Complaint.

7. A Clerk's Entry of Default was entered against Mahkahta on July 10, 2023. ECF 9.

8. Plaintiff filed a Motion for Default Judgment. ECF 10.

9. A hearing on the pending motion was held on September 28, 2023. ECF 11. Defendant did not appear at the hearing. During the hearing, counsel for Plaintiff represented to the Court that she had been in direct communication with Shelly Holmes, the owner of Defendant Mahkahta, and that she believed that Ms. Holmes was aware of the current lawsuit. Counsel further represented that Ms. Holmes had been served with a copy of the pending motion via mail.

10. The time allowed by law for Defendant to submit an Answer or otherwise respond in this lawsuit has expired. Defendant is in default, and Plaintiff is entitled to default judgment.

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Plaintiff's Motion for Default Judgment (ECF 10) is GRANTED.
2. Defendant is liable to Plaintiff for delinquent contributions, interest, and liquidated damages due and owing from December 1, 2022, through March 31, 2023.

3. Defendant is ORDERED to submit its contribution reports or payroll books and records to Plaintiff for the month of December 2022 and the dates of March 5 to March 31, 2023.

4. Plaintiff may file and serve a Motion for Entry of a Money Judgment in the amount Plaintiff determines Defendant owes for delinquent contributions, liquidated damages, interest, reasonable attorney fees and costs of collection. Defendant may then file and serve a response to Plaintiff's Motion within 21 days of the date the Plaintiff's Motion is served.

5. The Court will examine the parties' submissions and issue an order for judgment as the Court deems appropriate. No hearing will be held unless the Court orders otherwise.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: November 8, 2023

s/Katherine Menendez

Katherine Menendez

United States District Judge